

From: [Abajian, Suzie](#)
To: [Cortes, Karen](#)
Subject: Fwd: Comments for 12/3/24 City Council Meeting Agenda Item 7c; ADU Ordinance Amendments
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Subject: Comments for 12/3/24 City Council Meeting Agenda Item 7c; ADU Ordinance Amendments

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Dear Mayor Asatryan and Honorable Councilmembers,

At today's regular City Council meeting, I urge all of you to adopt the ADU Ordinance with amendments satisfying all of HCD's findings of non-compliance. If the City Council elects to adopt findings to justify keeping any section of the City's ordinance that was found to be not compliant with state ADU law, HCD will most likely find the City to be out of compliance again and require the City to suspend enforcement of its ordinance and process ADU applications based on state standards and requirements. This is because, as was previously communicated to the City in HCD's Notice of Violation, non-compliant local ordinances are effectively preempted by state standards, rendering them unenforceable until compliance is achieved.

There is no reason to expect HCD to change its position on the City's findings challenging the state's findings. All of the arguments in the resolution for adopting findings have already been presented to HCD and they have been rejected. Moreover, as I explained in my previous correspondence, the City has not drafted findings based on evidence and analysis, rather they are statutory interpretations and

legal arguments which have failed to persuade HCD despite repeated discussions.

I want to highlight one particular comment made by the City Attorney during the October 16, 2024 Planning Commission meeting. Here is the link to the video presentation of the meeting.

[Planning Commission - 10/16/24](#)

Please watch from 1:13:40 - 1:14:45. The City Attorney is discussing HCD's demand that the City suspend enforcement of its ordinance until it adopts one that HCD deems to be compliant with state ADU law. The City Attorney says:

"We do not believe an agency of unelected employees has the ability to nullify the city's ordinance; only a court can do that. But it is possible that HCD could ask a judge to grant an injunction...at that point I would imagine the city council, or our office would recommend the city council, to immediately amend the ordinance."

Local jurisdictions cannot self-certify their own ADU ordinances. The California state legislature has vested that authority within HCD, and HCD has found our local ordinance to be out of compliance with state ADU law. Even though the City continues to enforce its unlawful ordinance, which is an ongoing violation of state law, the City Attorney has acknowledged that if HCD requests a court to grant an injunction requiring the City to suspend enforcing its ordinance until it has adopted a compliant one, the City Attorney will recommend to the City Council to amend its ordinance and comply with all of HCD's findings.

Adopting findings would put the City in a vulnerable and indefensible position. It would be only a matter of time that the City would cave and amend as required by HCD. Therefore, the only responsible and correct course of action for the City Council to take today is to adopt the ADU ordinance with amendments prepared by staff which satisfy all of HCD's findings of non-compliance.

Thank you,
Alex Khatchaturian
Glendale resident and homeowner